

United States District Court
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MICHELLE MARIE COX,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

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Civil Action No. 4:20-cv-451-ALM-KPJ

MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 17, 2023, the Magistrate Judge entered proposed findings of fact and recommendations (Dkt. #27) that Plaintiff Michelle Marie Cox’s (“Plaintiff”) Motion for Attorney Fees pursuant to the Equal Access to Justice Act (“EAJA”) (the “EAJA Motion”) (Dkt. #22) and Petition to Obtain Approval of a Fee for Representing a Social Security Claimant under 42 U.S.C. Section 406(b) (the “Section 406(b) Motion”) (Dkt. #25) be granted.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court. Accordingly, the EAJA Motion (Dkt. #22) and Section 406(b) Motion (Dkt. #25) are **GRANTED**.

IT IS ORDERED that Plaintiff is awarded attorney fees under the EAJA in the amount of **\$6,261.68**. This award shall be made payable to Plaintiff and sent to Plaintiff’s counsel. *See*

Astrue v. Ratliff, 560 U.S. 586, 593 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED that **\$1,384.27** be made payable to Plaintiff's counsel out of Plaintiff's past-due benefits for representation before the Court in this matter pursuant to 42 U.S.C. § 406(b), and Plaintiff's counsel refund this amount to Plaintiff. *See Siebe v. Comm'r of Soc. Sec. Admin.*, No. 5:19-cv-00030, 2021 WL 3493167, at *2 (E.D. Tex. Apr. 19, 2021).

SIGNED this 2nd day of February, 2023.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE